



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/691,248	10/19/2000	Mitsuteru Kataoka	2000 1450A	5018

7590 06/30/2008
WENDEROTH LIND & PONACK, L.L.P.
2033 K Street, N.W., Suite 800
Washington, DC 20006

EXAMINER

STRANGE, AARON N

ART UNIT	PAPER NUMBER
----------	--------------

2153

MAIL DATE	DELIVERY MODE
-----------	---------------

06/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/691,248	Applicant(s) KATAOKA, MITSUTERU	
	Examiner AARON STRANGE	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In the interest of expedited prosecution, the Examiner again strongly recommends conducting an interview prior to filing a response to the present Office action. The language of the present application is difficult to understand, and the Examiner feels that an interview would help foster a mutual understanding of the respective positions of Applicant and the Examiner, and assist in the identification of allowable subject matter and/or issues for appeal. If Applicant agrees that an interview would be beneficial, he/she is encouraged to contact the Examiner to schedule one.

Response to Arguments

2. Applicant's arguments with respect to claims 38-54 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 38-39, 42-44, 47-49, 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (AAPA) (Specification 1-11) in view of Dutta et al. (US 6,615,212).**

5. With regard to claim 38, as best understood by the Examiner, Applicant's admitted prior art discloses a storage based broadcasting system comprising:

- Transmission means ("transmitter") for transmitting the plurality of contents (browser service and associated service content) (the "transmitter" transmits the multiplexed content; pg 5, line 25 – pg 6, line 5); and
- Receiving means for receiving the plurality of contents from said transmission means via a transmission path (pg 6, lines 19-25), and executing the browser (p. 9, ll. 11-12), wherein:
- Said transmitting means comprises:
 - First storage means for storing a service content body and browser content body (p. 5, ll. 1-8) the service content body for providing the service, and the browser content body being generated from the browser in the same format as the service content body (each service has an associated browser and content)(p. 4, ll. 4-11 and 19-25; p. 5, ll. 9-15; p. 5 l. 25 to p. 6, l. 11);
 - a content body pitcher for outputting the service content body and the browser content body stored in said first storage means (Figure 24, transmitter 116),
 - content assembler means for assembling a contents in the same format by adding a content header for defining each of the contents

to the service content body and the browser content body outputted from said content body pitcher(The multiplexing processes meshes both the browser services and associated service content together along with each of their associated identifiers, e.g. B(S1), see inter alia pg 5, line 19 – pg 5);

- multiplexer means for multiplexing the content assembled by said content assembler means (multiplexer multiplexes the content and browser)(p. 5, l. 9, to p. 6, l. 5), and
- transmitter means for modulating the contents multiplexed by said multiplexer means and outputting the modulated contents, which contain the service content body and the browser content body, to said receiving means (transmitter sends the data)(p. 6, ll. 6-11),
- wherein said receiving means comprises
 - de-multiplexing means for temporarily holding the received contents and extracting information contained in the content header of the received contents (p. 7, ll. 3-9)
 - second storage means for storing the contents (p. 7, ll. 10-14)
 - control means for updating the contents having been stored in said second storage means with the contents held in said de-multiplexing means when it is determined, based on the information extracted from the content header, that a content of the same kind and

version as the contents held in said de-multiplexing means is not stored in said second storage means (p. 9, l. 13-23)

- wherein said control means is further for selecting a content, including the browser content body, from among the contents stored in said second storage means, based on the content header contained in each of the contents being stored in said second storage means, and for executing the browser content body included in the selected content (p. 8, l. 21 to p. 9, l. 8)

While AAPA discloses a substantial portion of the claimed invention (discussed above), it fails to specifically disclose that the content is transmitted at the same time as the browsers for each respective service.

Dutta discloses a similar system for providing content via a computer network. Dutta teaches transmitting content at the same time as a browser for viewing the content (col. 7, l. 56 to col. 8, l. 11). This would have been an advantageous addition to the system disclosed by AAPA since it would have ensured that the client has the appropriate browser for viewing the content, even if the client failed to make a request for the browser, allowing immediate viewing of the content and preventing unnecessary delays associated with requesting and waiting to receive the browser.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the appropriate browser with the requested content to ensure that the receiver may immediately view the content without making an additional request for a new browser.

6. With regard to claim 39, Applicant's admitted prior art disclosed said transmission means further comprises service property information transmitting means for transmitting service property information for indicating properties of the service and said receiving means further for receiving the transmitting service property information; (e.g. service name, Figure 28 and pg 8, lines 14-20); and control means is further for determining a content, including the browser content body among the plurality of received contents based on the service property information in addition to the content header (e.g. service name information associated with each service and service content which was stored during the de-multiplexing process, Figure 28 and pg 8, lines 14-20 and de-multiplexing, pg 7, lines 3-17).

7. With regard to claim 42, Applicant's admitted prior art disclosed said content pitcher means further comprises content ID space management means for sending information for defining a part of an ID space of the content; and said receiving means further comprises designation means for designating the content including the browser content body, based on a content ID included in the defined part of the ID space (as discussed and mapped above content identifiers are sent and received for associated content with a particular service, e.g. C(S1, 1); furthermore there may be multiple content packages associated with each service that is identified by a content ID in an ID space; e.g. in the example on pg 5, lines 1-8; there are three content packages for a service #3, hence the ID space have 3 IDs 1, 2, and 3, C(S3, 1), C(S3, 2), C(S3, 3)).

8. Claims 43-44, 47-49, and 52-53 are rejected using a similar rationale as applied to the above claims.

9. With regard to claim 53, Applicant's admitted prior art disclosed a delivery unit operable to receive the content including the browser content body transmitted by said transmission unit, and transmit the transmitted content including the browser to said receiving unit (pg 6, lines 12-18).

10. With regard to claim 54, Applicant's admitted prior art disclosed said transmission unit is operable to transmit the content as a digital bit stream to said delivery unit and said delivery unit is operable to transmit the transmitted content as a digital bit stream to the receiving unit (digital communications are utilized, pg 6, line 23 – 2).

11. Claims 40, 41, 45, 46, 50 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (AAPA) (Specification 1-11) in view of Dutta et al. (US 6,615,212) further in view of Schell et al. (US 6,751,735)

12. With regard to claims 40-41, 45-46, and 50-51, Applicant's admitted prior art disclosed substantial features of the claimed invention however, Applicant's admitted prior art failed to disclose the use of unique electronic signatures and public keys to authenticate the received services and associated service content. Nonetheless it was

Art Unit: 2153

notoriously well known in the art at the time of Applicant's invention to use unique electronic signatures and public keys to authenticate content, as evidenced by at least Schell Col 2, line 39- Col 3, line 7. Hence, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Applicant's admitted prior art system to include unique electronic signatures with each content item transmitted and authenticate the transmitted content using public keys, in order to ensure the integrity of the content transmitted and thus increase the overall security of the system.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Glenton B. Burgess/
Supervisory Patent Examiner, Art Unit 2153

/A. S./
Examiner, Art Unit 2153